

DEC 24 2019

JULIA C. DUDLEY, CLERK
BY: *[Signature]*
DEPUTY CLERK

For Clerk's Office Use	
Judge	Rec'd

IN THE UNITED STATES DISTRICT
COURT FOR THE WESTERN DISTRICT
OF VIRGINIA

For use by inmates filing a complaint under **CIVIL RIGHTS ACT, 42 U.S.C. §1983**

Michael Jerome Harston

15813

Plaintiff full name

Inmate No.

v.

CIVIL ACTION NO. 7:19-CV-00876

Judge Joseph Milam and the Commonwealth

Defendant(s) full name(s)

of Virginia

A. Current facility and address: 1000 South Boston Road

B. Where did this action take place? Danville Circuit Court Danville VA,

C. Have you begun an action in state or federal court dealing with the same facts involved in this complaint?

 Yes ✓ No

If your answer to A is Yes, answer the following:

1. Court: _____

2. Case Number: _____

D. Have you filed any grievances regarding the facts of this complaint?

 Yes ✓ No

1. If your answer is Yes, indicate the result:

Have not had time to talk to a Civil Rights

2. If your answer is No, indicate why:

Lawyer

- E. Statement of Claim(s): State briefly the facts in this complaint. Describe what action(s) each defendant took in violation of your federal rights and include the relevant dates and places. **Do not give any legal arguments or cite any cases or statutes.** If necessary, you may attach additional page(s). Please write legibly.

Claim #1 – Supporting Facts – Briefly tell your story without citing cases or law:

I Michael Jerome Harston was NEVER charged OR had a trial for being a principle in the second degree to Grand Larceny which I was found guilty of and sentenced to 6 years in prison for

Claim #2 – Supporting Facts – Briefly tell your story without citing cases or law:

I Michael Jerome Harston was denied my Constitutional Right to a trial to prove my innocence against Judge Milam and the Commonwealth's ~~Verdict~~ Guilty Verdict for being a principle in the Second Degree to Grand Larceny

- F. State what relief you seek from the Court. Make no legal arguments and cite no cases or statutes.

I want that charge stricken from my record and \$2,500,000.00 for pain and suffering

- G. If this case goes to trial do you request a trial by jury? Yes ✓ No

- H. If I am released or transferred, I understand it is my responsibility to immediately notify the court in writing of any change of address after I have been released or transferred or my case may be dismissed.

DATED: 12-19-19 SIGNATURE: Michael J Harston

VERIFICATION: I, Michael Jerome Harston, state that I am the plaintiff in this action and I know the content of the above complaint; that it is true of my own knowledge, except as to those matters that are stated to be based on information and belief, and as to those matters, I believe them to be true. I further state that I believe the factual assertions are sufficient to support a claim of violation of constitutional rights. Further, I verify that I am aware of the provisions set forth in 28 U.S.C. §1915 that prohibit an inmate from filing a civil action or appeal, if the prisoner has, on three or more occasions, while incarcerated brought an action or appeal in federal court that is dismissed on the grounds that it was frivolous, malicious, or failed to state a claim upon which relief may be granted, unless the prisoner is in imminent danger of serious physical injury. I understand that if this complaint is dismissed on any of the above grounds, I may be prohibited from filing any future actions without the pre-payment of the filing fees. I declare under penalty of perjury the foregoing to be true and correct.

DATED: 12-19-19 SIGNATURE: Michael J Harston

Supporting Facts

Claim #1

I went to Circuit Court in Danville VA. back in May 2016 on a Grand Larceny charge and that was the only charge that I had knowledge that I was on trial for. Judge Joseph Milam and the commonwealth could not find me guilty of Grand Larceny because I did not commit the Grand Larceny. After my trial for Grand Larceny was over and Judge Milam was ready to give his verdict this is what Judge Milam said I am going to find you guilty of a lesser charge of being a principle in the second degree to this Grand Larceny and later sentenced me to 8 years in Prison for a junk automobile valued at \$207.00 dollars that Danny Gauldin pleaded guilty to stealing.

Claim #2

After I found out what being a principle in the second degree to Grand Larceny meant I could prove that I did not commit that crime either.

Claim # 3

I was never charged OR had a trial for being a principle in the second degree to Grand Larceny which is a very serious charge it can carry up to 20 years in prison and my court appointed lawyer did not tell OR inform the Judge OR commonwealth that I was not on trial for being a principle in the second degree to Grand Larceny I had ineffective counseling

Claim #4

I was denied my Constitutional Right to a trial for being a principle in the second degree to Grand Larceny to prove my innocence before I was found guilty of that charge and sentenced to 8 years in Prison

Claim #5

Judge Milam denied me my right to summons witness's OR to present any evidence and legal counseling to prove my innocence against his guilty verdict for being a principle in the second degree to Grand Larceny without a trial for that charge

Claim #6

The commonwealth OR my court appointed lawyer did not inform me that I was on trial OR could be found guilty of being a principle in the second degree to Grand Larceny.

Claim # 7

I had no way on earth to prove my innocence against Judge Milam's guilty verdict for being a principle in the second degree to Grand Larceny without a trial for being a principle in the second degree to Grand Larceny

Claim # 8

I was not asked by the Judge OR the commonwealth if I wanted to plead guilty OR not guilty OR a jury trial for being a principle in the second degree to Grand Larceny

Claim #9

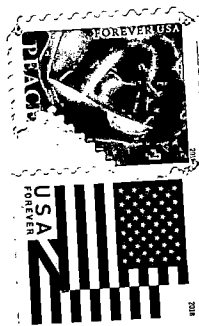
I am a innocent man in Prison doing time for a crime that I did not commit and for a crime that I never had a trial for to prove my innocence

Signed

Michael Hearster

Michael Harston
1000 South Boston Road
Danville Virginia 24540

DANVILLE ADULT DETENTION INMATE



Clerk United States District Court
210 Franklin Road SW, Suite 540
Roanoke VA 24011-2208